

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on January 18<sup>th</sup>, 2011, with respect to claims 1, 2, 4-7, 16, 17, 19-23 and 25-27 have been fully considered and are persuasive. The previous rejection(s) of the office action dated July 8<sup>th</sup>, 2010 has been withdrawn.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims **1, 2, 4, 5, 7, 16, 17, 19, 20, 22, 23 and 25-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Field (US 4,636,412) in view of Ohodaira et al. (US 4,482,585) and further in view of Allen et al. (US 5,468,526).

5. **As to claims 1, 23, 26 and 27**, Field substantially discloses a bladder configured to hold a fluid (**see figure 1; col. 3 lines 10-15**), wherein the bladder comprises an outer layer **12** (**see**

Art Unit: 3772

**figure 1; col. 3 lines 50-55)** and an inner layer **11 (see figure 1; col. 3 lines 50-55)**; a spout **10** connected to the bladder and in communication with the inside of the bladder (**see figure 1 col. 3 lines 60-65**), wherein the spout comprises an output port and a fill for filling the bladder with fluid (**see figure 1; col. 3 lines 10-15**); a cap adapted to engage and close the fill port (**see col. 3 lines 65-67**); a tube having a first end connected to the output port of the spout and having a second end connected top a fluid delivery fitting (**see col. 3 lines 65-67**) but does not disclose an outer layer made of fluorinated rubber composite and an inner layer made of thermoplastic polyurethane, and wherein the fluorinated rubber composite includes at least one reinforcement layer for the fluorinated rubber. Ohodaira teaches an apparatus that does provide an outer layer **3** made of fluorinated rubber (**see col. 4 lines 15-25**) but does not disclose an inner layer made of thermoplastic polyurethane. Allen discloses an apparatus that does disclose an inner layer **15** made of thermoplastic polyurethane (**see fig. 1; col. 3 lines 20-25**). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Field's invention by providing an outer layer made of fluorinated rubber composite as taught by Ohodaira to insure that there are no leaks formed when used in rough environment and an inner layer made of thermoplastic polyurethane as taught by Allen so that the fluid contained in the bladder is not contaminated.

6. **As to claim 2**, Field substantially discloses an apparatus wherein the bladder is flexible (**see col. 3 lines 40-45**).

7. **As to claim 4**, Field substantially discloses an apparatus wherein the cap is adapted to screw into the fill port (**see col. 3 lines 65-67**).

Art Unit: 3772

8. As to **claim 5**, Field substantially discloses an apparatus wherein the spout has a width and a height, wherein the width is greater than the height (**see figure 2**).
9. As to **claims 7 and 25**, Field substantially discloses an apparatus wherein the fluorinated rubber composite comprises a polyamide reinforcing layer and a thermoplastic polymer layer (**see col. 3 lines 50-60**).
10. As to **claims 16, 17, 19, 20 and 22**, Field substantially discloses a method steps of at least partially filling the hydration system a fill port with a fluid and closing the system by engaging the cap to the fill port (**see col. 3 lines 10-20**), wherein the hydration system comprises a bladder configured to hold a fluid (**see col. 3 lines 10-15**), wherein the bladder comprises an outer layer **12** (**see col. 3 lines 50-55**) and an inner layer **11** (**see col. 3 lines 49-55**); a spout **10** connected to the bladder and in communication with the insider of the bladder (**see col. 3 lines 60-65**), wherein the spout comprises an output port and an fill port for filling the bladder with fluid (**see col. 3 lines 10-25**); a cap adapted to engage and close the fill port (**see col. 3 lines 65-67**); a tube having a first end connected to the output port of the spout and having a second end connected to a fluid delivery fitting (**see col. 3 lines 65-67**) but does not disclose an outer layer made of fluorinated rubber composite and an inner layer made of thermoplastic polyurethane, and wherein the fluorinated rubber composite includes at least one reinforcement layer for the fluorinated rubber. Ohodaira teaches an apparatus that does provide an outer layer **3** made of fluorinated rubber composite (**see col. 4 lines 15-25**) and Allen teaches an apparatus that does provide an inner layer made of thermoplastic polyurethane (**see fig. 1; col. 3 lines 20-25**).
- Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Field's invention by providing an outer layer made of fluorinated

Art Unit: 3772

rubber composite as taught by Ohodaira to insure that there are no leaks formed when used in rough environment and an inner layer made of thermoplastic polyurethane as taught by Allen so that the fluid contained in the bladder is not contaminated.

11. Claim **6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Field (US 4,636,412) in view of Ohodaira et al. (US 4,482,585) further in view of Allen et al. (US 5,468,526) as applied to claim **1** above, and further in view of Kong (US 6,253,936).

12. **As to claim 6**, Field/Ohodaira/Allen substantially discloses the claimed invention; see rejection of claim 1 above, but does not disclose a tube that is made of flexible plastic. Kong discloses an apparatus that does provide a tube **96** that is made of flexible plastic (**see col. 8 lines 30-35**). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Field/Ohodaira/Allen's inventions by providing a tube that is made of flexible plastic as taught by Kong so that the user has more mobility while drinking the fluid.

13. Claim **21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Field (US 4,636,412) in view of Ohodaira et al. (US 4,482,585) further in view of Allen et al. (US 5,468,526) as applied to claim **16** above, and further in view of Kong (US 6,253,936).

14. **As to claim 21**, Field/Ohodaira/Allen substantially discloses the claimed invention; see rejection of claim 1 above, but does not disclose a tube that is made of flexible plastic. Kong discloses an apparatus that does provide a tube **96** that is made of flexible plastic (**see col. 8 lines 30-35**). Therefore, it would have been obvious to one having ordinary skill in the art at the time

Art Unit: 3772

the invention was made to modify Field/Ohodaira/Allen's inventions by providing a tube that is made of flexible plastic as taught by Kong so that the user has more mobility while drinking the fluid.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIHIR PATEL whose telephone number is (571)272-4803. The examiner can normally be reached on 7:30 to 4:30 every other Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nihir Patel/  
Examiner, Art Unit 3772

/Patricia Bianco/  
Supervisory Patent Examiner, Art Unit 3772